

**FINAL REPORT
OF THE
RAIL CORRIDOR SAFETY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November 2005

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Rail Corridor Safety Committee

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**Cleo Duncan, Chair
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November 1, 2005

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

FINAL REPORT

Rail Corridor Safety Committee

I. STATUTORY DIRECTIVE

P.L. 335-1995 charged the Rail Corridor Safety Committee to do the following:

1. Study the safety of rail corridors, including corridors at overpasses, underpasses, and crossings;
2. Review rail safety records;
3. Study methods of encouraging cooperation among railroads, local government, state government, and federal government to enhance the safety of railroads;
4. Study other topics as assigned by the Legislative Council.

The Indiana General Assembly enacted legislation (P. L. 28 - 2000, extended by P. L. 114 - 2005 which expires November 1, 2010) reestablishing the Rail Corridor Safety Committee.

II. INTRODUCTION AND REASONS FOR STUDY

Because Indiana had been one of the leaders in rail grade crossing accidents and fatalities in the nation, the 1995 General Assembly created the Rail Corridor Safety Committee to study and review various aspects of rail corridor safety. This report will cover the six-year history of the Committee, beginning in 2000 and ending October 31, 2005. The Committee's activities from its inception in 1995 through October 29, 1999, were covered in the 1999 Final Report for the Committee.

III. SUMMARY OF WORK PROGRAM

2000 Committee Activity

The Committee met three times during the interim following the conclusion of the 2000 session of the General Assembly. Two of the meetings were held at the State House in Indianapolis, with one meeting held at City Hall, 20 N. 6th Street, City Council Chamber, Lafayette, IN.

The first meeting of the Committee was held on August 15, 2000, at the State House in Indianapolis. At the meeting, the Committee heard testimony on how federal highway funds are used for railroad projects. The Committee heard testimony on the number of rail grade crossing accidents, along with the number of rail grade crossings in Indiana. The Committee also received testimony on the availability of state funds for railroad projects. The Committee received testimony from railroad unions regarding shortline railroads, along with testimony from representatives of shortline railroads. In addition,

the Committee heard from representatives of the Northern Indiana Commuter Transportation District (NICTD).

At the second meeting, held on September 14, 2000, at the State House, the Committee heard testimony on Operation Lifesaver. The Committee also heard testimony on shortline railroads.

At the third meeting, held on October 18, 2000, in Lafayette, the Committee heard testimony concerning citizen efforts to install street lights and stop signs at rail grade crossings. The Committee also heard testimony from interested parties about the potential impact of the Lafayette-to-Delphi segment of the Hoosier Heartland Corridor on railroad safety. Lastly, the Committee received testimony on the development of high-speed rail in Indiana.

2001 Committee Activity

The Committee met two times during the interim following the conclusion of the 2001 session of the General Assembly. The meetings were held at the State House in Indianapolis.

At the first meeting, held on October 3, 2001, the Committee heard testimony on the closure of railroad crossings. The Committee also heard testimony on the installation of median barriers at railroad crossings. In addition, testimony on shortline railroads was provided to the Committee. The Committee also received an update on federal rulemaking regarding whistle ban ordinances.

At the second meeting, held on October 18, 2001, the Committee received testimony on the unauthorized utility crossing of railroad property. Representatives of INDOT provided testimony on whistle ban ordinances. In addition, the Committee heard testimony on high-speed rail.

2002 Committee Activity

The Committee met twice during the interim following the conclusion of the 2002 session of the General Assembly. Both meetings were held at the State House in Indianapolis.

At the first meeting, held on September 23, 2002, the Committee heard testimony from various interested parties on high-speed, passenger rail service in Indiana.

At the second meeting, held on October 18, 2002, the Committee heard testimony on shortline railroad issues. In addition, staff of the Indiana State Police addressed the Committee on law enforcement at grade crossings. Representatives of the High Speed Rail Association addressed the Committee on state funding for high-speed rail service in Indiana. Lastly, the Committee received testimony on grade crossing improvements.

2003 Committee Activity

The Committee met once during the interim following the conclusion of the 2003 session of the General Assembly. The meeting was held at the State House in Indianapolis.

At the August 23, 2003, meeting, the Committee heard testimony from representatives of INDOT on: (1) the number of rail grade crossings in Indiana; (2) a five-year history on the number of rail grade crossings accidents in Indiana; (3) an update on the Rail Grade Crossing Fund; and (4) federal issues and federal funding for railroads. The Committee also received a report and testimony from a representative of shortline railroads. Lastly, the Committee heard testimony and received a report from a representative of Operation Lifesaver on rail grade crossing issues.

2004 Committee Activity

The Committee met once during the interim following the conclusion of the 2004 session of the General Assembly. The meeting was held at the State House in Indianapolis.

At the August 17, 2004, meeting, the Committee received a report and testimony from INDOT on grants issued to eligible entities from the Railroad Grade Crossing Fund. The Committee also received a report from the Indiana Rail Transportation Group on rail line abandonments and the challenge of Heavy Axle Loads (HAL). Lastly, the Committee heard testimony from a Committee member on the Midwest Interstate Passenger Rail Commission (MIPRC).

2005 Committee Activity

The Committee met three times during the interim following the conclusion of the 2005 session of the General Assembly. The meetings were held at the State House in Indianapolis.

At the first meeting held on August 8, 2005, the Committee heard testimony and viewed Power Point presentations and films concerning the following topics: (1) Indiana's Passive Grade Crossing Improvement Program; (2) Operation Lifesaver; (3) Indiana State Police Rail Grade Crossing Film and Education Update; and (4) key issues affecting Indiana's shortline railroads.

At the second meeting held on September 13, 2005, the Committee heard testimony and viewed presentations on the following topics: (1) Automated horn systems and their uses at rail grade crossings; (2) the recently passed and enacted federal Highway Transportation Bill; and (3) railroad way stations.

At the third meeting held on October 3, 2005, the Committee heard testimony from INDOT representatives on the Passive Railroad Grade Crossing Fund and approved

the Committee's Final Report.

IV. SUMMARY OF TESTIMONY

The summary will cover the Committee activity from August 2000 through October 3, 2005.

A. FIRST MEETING (August 15, 2000):

1. Mr. Steve Hull of the Design Division of INDOT told the Committee that INDOT spends about \$15 M per year on railroads. Mr. Hull also said that accidents at railroad crossings had declined by 80% over the past 25 years. Mr. Ron Thomas of INDOT told the Committee that the Industrial Rail Service Fund provides state loans and grants to Class 2 and 3 railroads. He also said that the Railroad Grade Crossing Fund provides grants for passive improvement at crossings. INDOT has allocated \$496,000 of the \$500,000 in the Fund.

Mr. Jim Carrico of the United Transportation Union inquired about the definition of shortline railroads. Mr. Thomas commented that the definition is tied to the amount of the railroad's annual revenue.

Ms. Cathy Hale, Indiana Railroad Transportation Group, testified on the needs of shortline railroads. She said that the biggest problems facing shortlines is the use of 286,000 lbs. railroad cars by the railroad industry. Shortline railroads have difficulty handling 263,000 lbs. rail cars. Mr. Bob Garner, Kankakee and Southern Railroad, told the Committee that large carriers defer maintenance of the shortline tracks before selling the track to shortline railroads.

Mr. John Secor, Louisville and Indiana Railroad, told the Committee that shortlines need to improve track and bridges. He said that shortlines cannot generate enough revenue to maintain, let alone enhance, structures.

Mr. John Parsons, Northern Indiana Commuter Transportation District (NICTD), updated the Committee on the Old Wilson Road crossing in Portage. He said that NICTD is in discussions with the Indiana Port Commission on whether the crossing may be closed permanently.

Senator Antich discussed a problem concerning train whistles that disturb residents in her district. Mr. Thomas told the Committee that whistle ban regulation would require communities with a whistle ban to erect supplemental protection such as four quadrant gates.

Mr. Steve Hull discussed the Clark Road crossing in Gary. He said that there are at least six rail grade crossings on Clark Road. To coordinate the crossing signals so that a vehicle does not need to stop in between tracks would cost between \$600,000 and \$800,000.

B. SECOND MEETING (September 14, 2000):

Mr. Tom Kinzer from Operation Lifesaver Indiana described the Operation Lifesaver organization and provided an overview of the goals of the organization. The philosophy of three "Es" is used. They are: "engineering," "education," and "enforcement." Mr. Kinzer also discussed train whistle bans, including the Federal Railroad Administration's proposed ban on whistle prohibition ordinances. He said that the budget for Operation Lifesaver Indiana has a budget of \$10,000, while Operation Lifesaver Illinois has a budget of \$2 M.

The Committee engaged in discussion about the effectiveness in rural areas of stop signs as compared to automated signals. Mr. Kinzer told the Committee that it is the responsibility of local governments to place stop signs at rural railroad crossings.

Mr. Hull told the Committee that to place a stop sign at a crossing, an engineering study must be completed and local ordinances must be adopted. The Committee engaged in further discussion about shortline railroads and the Industrial Rail Service Fund.

C. THIRD MEETING (October 18, 2000):

Representative Eric Turner told the Committee that his involvement in railroad safety began after the tragic car-train accident which resulted in the death of Megan Hicks, a 16-year-old student at Alexandria High School. Representative Turner provided materials to Committee members concerning the accident. Sisters and friends of Megan testified about how Megan's death affected them and how they are coping with the death. Students at the high school decided to illuminate the crossing by installing a stoplight and raised \$3,500 to pay for the cost of ongoing maintenance of the streetlight, while INDOT paid for its installation. Friends and relatives of Megan testified that more must be done to protect citizens at railroad crossings and that education programs such as Operation Lifesaver are needed.

Ron Thomas, Railroad Section Manager at INDOT, told the Committee that INDOT works for rail safety. He testified that the Rail Grade Crossing Fund is available to local units for installation of illumination and signage.

The Committee next heard testimony concerning the potential impact on railroad safety of the Lafayette-to-Delphi segment of the Hoosier Heartland Industrial Corridor. Mr. Chris Baynes, Project Manager of the Hoosier Heartland SR 25 project, told the Committee the project is in the environmental impact statement stage. Four alternative alignments have been proposed for the Lafayette-to-Delphi segment and two alternative alignments have been proposed for the segment from Delphi to Logansport.

Mr. Jim Hawley, Executive Director of the Tippecanoe Area Plan Commission, testified that none of the proposed alternative alignments address rail safety because they are too far away from the railway. Mr. Mike Scime, Manager of Public Affairs, Norfolk

Southern Railroad, stated that INDOT involved Norfolk Southern in the project from the beginning. He also said that Norfolk Southern approves of locating the grade crossings as far from the roadway as possible.

Mr. Larry Goode, Division Chief, Division of Intermodal Transportation, INDOT, discussed the Midwest Regional Rail Initiative (MMRI). He said this is a nine-state initiative to provide high speed rail service to the Midwest. He said that there is a bill in Congress to provide \$10 billion in bonding authority for Amtrak to build the infrastructure. The bill would require 80% of the funds to come from bonding and 20% to be provided by the state.

2001 Committee Activity

A. FIRST MEETING (October 3, 2001):

Mr. Mike Scime, INDOT, told the Committee that the easiest way to prevent car-train accidents is to close the grade crossings. He said that INDOT usually negotiates railroad crossing closures, offering to install lights and gates at one railroad crossing if a local unit closes another railroad crossing. He also said that the average cost of installing warning signals is \$150,000 per crossing and that federal funds pay 100% of this amount. Mr. Steve Hull, INDOT, told the Committee that sometimes railroads will pay part of the project costs, or the railroad will provide a grant to a local unit in return for the local unit closing the railroad crossing. Mr. Hull explained that Indiana's high railroad crossing accident statistics are the result of Indiana having more railroad crossings and more railroad traffic than most states.

Ms. Tanya Galbraith, Indiana Association of Cities and Towns (IACT), told the Committee that closing a railroad crossing affects the lives of citizens in real ways. John Burdick, Mayor of Seymour, told the Committee that free access is important to people.

Mr. Bill Verdeyen, Brotherhood of Locomotive Engineers, told the Committee that a problem facing engineers is finding rail space to park a train, particularly near some of the smaller municipalities.

Mike Scime, INDOT, reported that the cost of installing median barriers is approximately \$15,000 per crossing. There is no standard length for a median barrier.

Mr. Bob Garner, Kankakee and Southern Railroad, Indiana Transportation Group, described the ongoing problem of shortline railroads finding funds for track rehabilitation. Ms. Cathy Hale, Madison Railroad, Indiana Railroad Transportation Group, told the Committee that maintaining track is a public safety issue. Track maintenance enables shortline railroads to provide customer service.

Mr. Larry Good, INDOT, explained that many shortline railroads benefit from the Industrial Rail Service Fund. He said about \$1.5 M per year is generated for the Fund

from a percentage of the state Sales Tax.

An update on federal rulemaking regarding whistle ban ordinances was provided by Mike Scime of INDOT. Bill Verdeyen, Brotherhood of Locomotive Engineers, supports whistle bans if gates, lights, median barriers, other measures are installed to prevent people from going around the gates.

B. SECOND MEETING (October 18, 2001):

Mr. Tom Fruechtenicht, Indiana Rail Transportation Group (IRTG), stated that the IRTG primarily represents Class 3 (shortline) railroads. He told the Committee that there is a problem with notification by utility companies who do work on railroad property. Mr. Fruechtenicht suggested that legislation needs to be drafted to address these wrongs. Mr. Jim Carrico, United Transportation Union, told the Committee that he thought that current law required anyone doing work near or on a track to have a flagman. Mike Scime, INDOT, said that railroads issue the permits to the utilities to install the lines, etc. Mr. Larry Good, INDOT, said that Indiana Underground Plant Protection Services is the entity to be called regarding any digging around utility lines.

Mike Scime, INDOT, updated the Committee on whistle ban ordinances. He said that INDOT can approve an ordinance only after a study is completed. Mr. Scime said that an Federal Railroad Administration (FRA) study shows that accidents increase by 62% if train whistles are silenced. Ms. Tanya Galbraith, IACT, said that the current law regarding whistle bans was the result of a long negotiation.

Mr. Tom Beck, INDOT, updated the Committee on the progress of high-speed rail in Indiana. Brochures concerning high-speed rail were distributed to Committee members.

2002 Committee Activity

A. FIRST MEETING (September 23, 2002):

Mr. Mike Scime and Ms. Kathy Noland, both of INDOT, provided the Committee with an update on high-speed passenger rail in Indiana. Mr. Scime said that the hub for high-speed passenger rail service in Indiana would be Chicago. Federal funds have been made available for Amtrak in Indiana for the high-speed rail line to Detroit. The funds are earmarked for a train control system. Mr. Scime said that INDOT completed an internal analysis of the crossings on the proposed high-speed rail path. He said INDOT is looking at other improvements to the existing rail system that will benefit passengers.

Ms. Liz Solberg, Indiana High Speed Rail Association (IHSRA) expressed concern that the state and the nation are losing competitiveness due to a lack of coordination between transportation systems. The Committee and Ms. Solberg engaged in further discussion about high-speed rail in Indiana.

B. SECOND MEETING (October 18, 2002):

Mr. Tom Fruechtenicht, Indiana Rail Transportation Group (IRTG), distributed a brochure concerning Indiana's freight railroads. Ms. Cathy Hale, CEO of the Madison Railroad, told the Committee that shortline railroads are facing a major problem with the introduction of the 286,000 lbs. axle load limits for railroads. She testified that shortline railroads are not able to use the heavier axle load limits and that it would cost the shortline railroads \$100 M to upgrade their tracks. Ms. Hale told the Committee that there is no money in the Industrial Rail Service Fund to use for this effort. This was confirmed by Mr. Larry Goode of INDOT. Mr. Dick Neumann, Hoosier Southern Railroad, IRTG, said that some counties are totally dependent upon shortline railroads, pointing out that the Hoosier Southern Railroad is the only railroad serving Perry County.

Members of the Indiana State Police (ISP Pendleton Post) addressed the Committee on law enforcement at grade crossings and provided the Committee with a video made by the ISP depicting problems at rail grade crossings. Sgt. Robert Kozolowski narrated the video. Committee members and the State Police representative engaged in discussion about the video and what can be done to further reduce rail grade crossing accidents.

Ms. Liz Solberg, Indiana High Speed Rail Association (IHSRA), distributed information to the Committee on what other states have spent on high-speed rail development. Mr. Bill Schlosser and Ms. Carol Erickson, board members of the IHSRA, also were introduced. Mr. John Gerni, Lincoln Financial Group, told the Committee that his group has an interest in high speed rail, explaining that Lincoln has 2,000 employees in Ft. Wayne who often commute to Lincoln Group's other companies in Chicago.

Ms. Venetta Keefe, INDOT, addressed the Committee on INDOT's expenditures from the Rail Grade Crossing Fund. Money in this fund is spent on improvements for passive crossings (crossings without lights and gates). Mr. Steve Hull, INDOT, testified that only 25% of the 6,400 public crossings in Indiana have lights and gates. He said that Indiana receives about \$5 M annually in federal funds that are dedicated only for railroad safety.

2003 Committee Activity

A. FIRST MEETING (August 25, 2003):

Mr. Larry Goode and Mr. Steve Hull, both of INDOT, presented information and testimony to the Committee on the number of grade crossings in Indiana and a five-year history on the number of rail grade crossing accidents, with specificity of location and day of the week. Mr. Hull testified that there are about 80-90 new signal installations per year. The cost for signal installations (lights and gates) amounts to approximately \$160,000 per crossing.

Ms. Venetta Keefe, INDOT, provided the Committee with an update on the Rail Grade

Crossing Fund and the number of Passive Grade Crossing Grant awards. The Committee and the INDOT representatives engaged in further discussion on the Rail Grade Crossing Fund and grade crossing safety.

Ms. Laurie Maudlin, INDOT, distributed a letter from the Federal Highway Administration (FHWA) regarding INDOT's request for an environmental study for high-speed rail in Indiana. Ms. Maudlin said the request was denied; however, the FHWA suggested that both they and INDOT might move forward by developing a scope of work that could justify the study.

Ms. Cathy Hale of the Indiana Railroad Transportation Group (IRTG), along with several people representing shortline railroads, addressed the Committee on the various problems facing shortline railroads and distributed additional information to Committee members.

Mr. Tom Kinser, Operation Lifesaver Indiana, addressed the Committee on his organization and what they do and how they do it. He said that Operation Lifesaver is a nonprofit public information and education program dedicated to reducing crashes, injuries, and fatalities at rail grade crossings.

2004 Committee Activity

Ms. Venetta Keefe, INDOT, reported on grants from the Railroad Grade Crossing Fund. She summarized the grant application process, explaining that money from the Fund could only be used for passive improvements to railroad grade crossings.

Mr. Tom Beck, INDOT, reported on the distributions from the Industrial Rail Service Fund (IRSF). For FY 2004, \$1.6 M was distributed from the IRSF. Mr. Beck said that the source of the IRSF is a dedicated portion of the state Sales Tax.

Mr. Steve Hull, INDOT, distributed statistics on rail grade crossing accidents in Indiana and answered Committee questions on that topic.

Ms. Cathy Hale, IRTG, discussed two main issues facing shortline railroads: (1) rail line abandonments; and (2) the heavy axle load challenge. She told the Committee that approximately 3,260 miles of rail line have been abandoned in Indiana since 1960. Ms. Hale said that the 286,000 lbs. axle load is becoming the norm for the railroad industry, and shortline railroad track must be rehabilitated in order to handle these newer, heavier cars. It will cost \$100 M to upgrade shortline railroads to handle this new weight. Several other representatives of shortline railroads supported Ms. Hale's comments.

2005 Committee Activity

A. FIRST MEETING (August 8, 2005):

Mr. Steve Hull, INDOT, said that in CY 2004, Indiana ranked third nationally in the number of crashes (48) at rail grade crossings, second in fatalities (25), and ninth in injuries (34). He said Indiana ranks sixth in the nation with 6,271 rail grade crossings. Mr. Hull told the Committee that Indiana spends approximately \$5 M annually in federal Section 130 funds. In addition, he said that INDOT spends an additional \$5 M to \$10 M in other safety funds.

Mr. Tom Kinser, Director of Operation Lifesaver in Indiana, told the Committee that the goal of Operation Lifesaver is to reduce the number of highway-rail grade crossing accidents in CY 2005 by 10% and to raise the level of trespass awareness to the citizens of Indiana. Mr. Kinser told the Committee that the implementation plan for Operation Lifesaver is to obtain increased participation with Indiana law enforcement.

Indiana State Trooper Dan Ferris provided the Committee with the State Police Rail Enforcement and Education Update. Trooper Ferris also narrated a film on grade crossing safety produced by the Pendleton State Police post. He said that the ISP is attempting to expand their rail safety program to other ISP posts.

Ms. Cathy Hale, representing the IRTG and shortline railroads, told the Committee that the key issues for shortline railroads are (1) transportation enhancement; (2) threatened abandonment (the permanent ceasing of a track, route, or service); and (3) 286,000 lbs. Heavy Axle Load (HAL). Ms. Hale said that the 286,000 HAL is creating an immediate threat for the Indiana shortline industry because the 286,000 lbs. is becoming the norm for the industry. Ms. testified that heavier weight exceeds the amount which shortline railroads can handle. Ms. Hale told the Committee that an INDOT rail study states that \$100 M is required to address the HAL problem. In addition, the Committee received an overview of Indiana's freight railroads and a map of where they travel.

B. SECOND MEETING (September 13, 2005):

The Committee heard testimony from Mr. Chad Pfitzer, Purdue Extension in Daviess County. Mr. Rich Mooney, a railroad consultant for Railroad Controls Limited (RCL) from Missouri, also addressed the Committee on the Automated Horn System (AHS) and narrated a DVD on the topic. Mr. Mooney said that the AHS can be installed only at grade crossings with lights and gates because there is only a 30-second warning. He said that the AHSs are sold to local governments who enter into agreements with the railroads to install the AHS. Local governments must maintain the AHS. The basic cost to install the AHS is about \$50,000 for a single track if RCL installs the system.

Several representatives from railroad unions commented about the AHS and its applicability in Indiana. INDOT representatives told the Committee that they would research whether enabling legislation is required for using the AHS in Indiana. Mr. Mooney told the Committee that his company has no plans at the present time to install the AHS in Indiana.

Mr. Ryan Hoff, Legislative Liaison for the INDOT, told the Committee that Indiana will receive an additional \$4.4 billion over the next five years from the newly enacted federal Highway Bill. He said that there are no homeland security funds in the new Highway Bill. Mr. Hoff said that he would investigate if there are other funds for rail corridor safety.

Of the \$4.4 billion in federal funds, Mr. Hoff testified that 25%, or \$1.1 billion, is designated for local units that apply for federal funds.

Mr. Chris Kiefer of INDOT said that the increase for Indiana was the 7th largest increase in the nation. In response to a Committee question, Mr. Kiefer said that the ability to move funds from one category to another is very limited.

Mr. Tom Beck of INDOT testified that INDOT spends between \$10 M and \$15 M annually on rail grade crossing safety.

Prior to testimony on railroad way stations, the Chair said that she has no intention of any legislation coming out of this Committee on this topic. Representative Duncan said that this is a labor issue and as such should be addressed in a labor committee. However, she said that everyone would have the opportunity to make a presentation.

Mr. Jeff Bainter of the Brotherhood of Maintenance of Way Employees (BMWE) testified that the camps provided by the Norfolk Southern are unsafe, unhealthy, and unsanitary. Mr. Bainter said that he has asked the Federal Railroad Administration to inspect the camps, but they have not returned his phone call.

Mr. Tom Fruechtenicht and Ms. Carolyn Elliott of Bose Treacy Associates LLC, representing the IRTG of which Norfolk Southern is a member, and their client testified that the way stations are not a big problem. Mr. Randy Smith, General Supervisor for Norfolk Southern testified that he handles repairs of all camps, cars, and vehicles. Mr. Bainter testified that the FRA does not notify Norfolk Southern before it inspects.

Ms. Michele Milliken, Director of the Office of Legislative Affairs for the State Department of Health (SDOH), testified that the SDOH was first told about the camp conditions during the 2005 legislative session. She told the Committee that photos showed deplorable conditions. Ms. Milliken testified that the SDOH can inspect without providing prior notice to the railroad. She also testified that she attended an inspection with local health department officials in Tipton, IN. Ms. Milliken said that Mr. Bainter directed them to the cars. She said that the SDOH was present, but was not supposed to be there.

Commenting further, Ms. Milliken told the Committee that the conditions were not the conditions they saw in the photos. She testified that the local health department did not do an official inspection report because the violations were minimal.

Mr. Robert Watkins, Manager of the Environmental Health Division, Elkhart County

Health Department, testified that he did not like being caught in a labor and management dispute.

C. THIRD MEETING (October 3, 2005):

The Chair referred to the film, made by the State Police on rail grade crossing safety, and asked the Committee to consider that the following recommendations be drafted as a resolution:

- (1) Encourage each State Police post to acquire and keep a copy of the film on rail grade crossing safety.
- (2) Encourage each driver's education class to show the film on rail grade crossing safety.

The Committee discussed the issue of increasing the penalty (fine) for rail grade crossing violations and determined it to be an enforcement issue and not a price issue.

The Committee heard testimony from Ryan Hoff and Tom Beck, both of INDOT, on the Passive Rail Grade Crossing Fund. Addressing a Committee question on the apparent underuse of the Fund, Mr. Beck provided the following reasons:

- (1) Lack of publicity about the Fund.
- (2) Low awareness of the Fund's existence by the railroads and municipalities.

Mr. Beck also told the Committee that railroads are responsible for the crossbucks at rail grade crossings. Mr. Hull testified that Indiana has spent \$10 M - \$15 M so far this year on motorized gates at rail crossings across the state. The Chair announced that the Committee would not address the Automated Horn System (AHS) and the Maintenance of Way camps.

The following two recommendations were moved, seconded, and taken by consent by the Committee:

- (1) Encourage each State Police post to acquire and keep a copy of the film on rail grade crossing safety.
- (2) Encourage each driver's education class to show the film on rail grade crossing safety.

The draft copy of the Final Report, with the above recommendations, was approved by consent.

Correction of the September 13, 2005, minutes of the Committee's second meeting.

Mr. Ryan Hoff and Mr. Tom Beck, both of INDOT, commented via email to the staff, that there were two errors in the minutes of the second meeting. They requested the following corrections.

The minutes of the September 13, 2005, meeting read as follows: "Mr. Hoff said that the new bill provides Indiana with an additional \$4.4 B over the next five years."

Correction: "Mr. Hoff said that the new bill provides Indiana with \$4.4 B over the next five years."

The minutes of the September 13, 2005, meeting read as follows: " Mr. Beck commented that Indiana spends between \$5 M and \$10 M annually on rail grade crossing safety." Correction: "Mr. Beck commented that Indiana spends between \$10 M and \$15 M annually on rail grade crossing safety."

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following recommendations:

- (1) Encourage each State Police post to acquire and keep a copy of the film on rail grade crossing safety.
- (2) Encourage each driver's education class to show the film on rail grade crossing safety.

WITNESS LIST

Steve Hull Indiana Department of Transportation
Ron Thomas, Indiana Department of Transportation
Jim Carrico, United Transportation Union
Bob Gardner, Kankakee and Southern Railroad
John Secor, Louisville and Indiana Railroad
John Parsons, Northern Indiana Commuter Transportation District
Tom Kinser, Operation Lifesaver
Representative Eric Turner
Kelly Hicks
Tiffany Hicks
Maria Diruzza
Brenda Jackson
Kathy Noland, Indiana Department of Transportation
Chris Baynes, Indiana Department Transportation
Jim Hawley, Tippecanoe Area Plan Commission
Mike Scime, Norfolk Southern Railroad
Mike Scime, Indiana Department of Transportation
Larry Goode, Indiana Department of Transportation
Representative Sue Scholer
Representative Shelia Klinker
Norbert Fisher Lafayette City Councilman
Tanya Galbraith, Indiana Association of Cities and Towns
Bill Verdeyen, Brotherhood of Locomotive Engineers
Cathy Hale, Madison County Railroad
Tom Fruechtenicht, Indiana Railroad Transportation Group
Kathy Noland, Indiana Department of Transportation
Liz Solberg, Indiana High Speed Rail Association
Dennis Hodges, Board Member of the Indiana High Speed Rail Association
Carol Erickson, Board Member of the Indiana High Speed Rail Association
Dick Neumann, Hoosier Southern Railroad
Sgt. Robert Kozlowski, Indiana State Police
Master Trooper Don Ferris, Indiana State Police
Tom Beck, Indiana Department of Transportation
Bill Schlosser, Board Member of the Indiana High Speed Rail Association
John Gerni, Lincoln Financial Group
Venetta Keefe, Indiana Department of Transportation
Lauie, Maudlin, Indiana Department of Transportation
Mark Brown, General Manager Indiana Southern Railroad
Senator Robert Jackman
Chad Pfitzer, Purdue Extension Daviess, County
Rich Mooney, Railroad Controls Limited
Ryan Hoff, Indiana Department of Transportation
Chris Kiefer, Indiana Department of Transportation
Jeff Bainter, Brotherhood of Maintenance of Way Employees
Randy Smith, Norfolk Southern Railroad

Steve Martin, Norfolk Southern Railroad
Carolyn Elliot, Bose Treacy Associates LLC
Michele Milliken, State Department of Health
Robert Watkins, Elkhart County Health Department